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Attorney for Plaintiff Derek Matthews

Attorney for Defendant Pinchback

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DEREK MATTHEWS

Plaintiff,

vs.

DEMITA PINCHBACK, et al.,

Defendants.

Case No.: 2:22-cv-01329 DJC KJN P

**STIPULATION AND ORDER
FOR PLAINTIFF TO FILE
SUPPLEMENTAL BRIEF ON
DEFENDANT PINCHBACK'S
MOTION TO DISMISS (ECF 35)**

Judge: Hon. Daniel J. Calabretta
Courtroom: 10

WHEREAS on December 5, 2022, Defendant Pinchback filed a motion to dismiss Plaintiff's Complaint (ECF 20);

WHEREAS on December 9, 2022, Plaintiff's prior counsel filed a motion to withdraw as Plaintiff's counsel, based on a medical condition that required her withdrawal (ECF 21);

WHEREAS Plaintiff's prior counsel filed an opposition brief to the motion to dismiss on December 19, 2022 (ECF 27) and a reply brief by Defendant Pinchback was filed on December 28, 2022 (ECF 35);

WHEREAS by this Court's order, dated April 6, 2023, this case was reassigned to the Honorable Daniel J. Calabretta. (ECF 45.) The order stated that all pending motions were deemed submitted without appearance and without oral argument;

STIP AND ORDER FOR SUPPLEMENTAL BRIEF BY PLAINTIFF ON MOTION TO DISMISS (ECF 35)

MATTHEWS V. PINCHBACK, ET AL., CASE NO. 2:22-CV-01329 (DJC)(KJN)

WHEREAS on April 26, 2023, Plaintiff's present counsel was appointed as limited purpose counsel (ECF 46);

WHEREAS Plaintiff's counsel has reviewed the prior briefing on the pending motion to dismiss and believes that a supplemental brief is required to raise additional arguments not previously addressed;

WHEREAS counsel for Defendant Pinchback has no objection to allowing Plaintiff to file a supplemental brief as outlined below;

IT IS HEREBY STIPULATED AND AGREED by the parties as follows:

1. Plaintiff may file a supplemental opposition brief to Defendant Pinchback's pending motion to dismiss (ECF 35) by June 7, 2023; and
2. Defendant Pinchback may file a reply brief to Plaintiff's supplemental opposition brief by June 21, 2023.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

Dated: May 10, 2023
Oakland, California

JUSTICE FIRST

/s/ Jenny Huang
Jenny C. Huang
Attorney for Plaintiff Derek Matthews

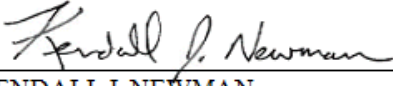
Dated: May 10, 2023
Los Angeles, California

BURKE, WILLIAMS & SORENSEN, LLP

/s/ Susan E. Coleman
Susan E. Coleman
Attorney for Defendant Pinchback

IT IS SO ORDERED.

Dated: May 12, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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